



## VENDOR GIFTS POLICY AND OTHER VENDOR POLICIES

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**Initial Review Date:** 08/06/07

**Revision Date:** September 2022

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### I. **PURPOSE:**

- A. To establish rules concerning gifts from vendors to U of U Health Hospital & Clinics and departments.
- B. To provide direction for staff when interacting with vendors.
- C. To assure appropriate identification of all vendors visiting U of U Health Hospital & Clinics.
- D. To minimize interruption of patient care and staff productivity.
- E. To ensure that all vendor contacts are consistent with the U of U Health Hospital & Clinics' patient care mission.
- F. To specify a mechanism to enforce this policy.

### II. **DEFINITIONS:**

**Vendor:** Any manufacturer, distributor, or company that solicits, markets, or distributes information regarding the use of medications, products, equipment, or services, including, but not limited to, commercial patient care services.

### III. **POLICY:**

Vendors that conduct business at or with U of U Health Hospital & Clinics will do so in accordance with our policy. Vendor representatives shall interact with House officers, faculty, students, and staff in a manner that meets ethical standards, avoids conflicts of interest, protects patient confidentiality, does not interfere with the process of patient care, and encourages the appropriate, efficient, and cost-effective use of equipment, supplies, and pharmaceuticals within our facilities. This policy shall be enforced by the Administration of U of U Health Hospital & Clinics (and their designee), which reserves the right to revoke vendor access for cause. It is the responsibility of all staff to monitor and assure that all vendors are compliant with this policy.

### IV. **GIFTS FROM VENDORS**

- A. **Gifts to Individuals.** Utah Law and University of Utah policy prohibit employees from receiving gifts that may improperly influence employees in the conduct of their U of U Health Hospital & Clinics responsibilities. (See the Utah Public Officers' and Employees' Ethics Act, Utah Code Ann. § 67-16-1 et seq.). Notwithstanding the Utah Public Officers' and Employees' Ethics Act's safe harbor for occasional, nonpecuniary gifts having a value of less than \$50, vendors are prohibited from giving gifts of any kind to U of U Health Hospital & Clinics employees.

- B. Employees are prohibited from accepting gifts from vendors, regardless of the gift's value and regardless of where the gift is given. Similarly, this policy prohibits all gifts from vendors to departments.

This includes meals, food, gifts, and entertainment.

1. Vendors are not allowed to bring food into the organization.
2. Staff are not allowed to have meals paid for by vendors.
3. Staff are not allowed to receive gifts, including pens, books, note pads, trinkets and any other items.

- C. **Gifts to Departments.** Vendors are prohibited from providing gifts (including, but not limited to, meals, gifts, and entertainment) to individual departments because they may be perceived as incentives to influence transactions between departments and vendors. In lieu of gifts to individual departments, vendors may provide donations to a general education fund at U of U Health Hospital & Clinics. The Education fund is available to all U of U Health Hospital & Clinics departments for support of training and other approved purposes. All donations will be coordinated through U of U Health Hospital & Clinics Administration for allocation to the appropriate accounts. In addition, vendors may provide in-kind donations to U of U Health Hospital & Clinics. All donations will be coordinated through U of U Health Hospital & Clinics Administration for allocation to the appropriate accounts or distribution to appropriate units within the organization.

- D. **Site Visits.** In limited circumstances, it may be appropriate for vendors to fund necessary site visits by U of U Health Hospital & Clinics staff to demonstrate vendor products and equipment. However, vendors may only pay for the reasonable and actual cost of travel, food, and lodging for essential U of U Health Hospital & Clinics staff to participate in the site visit. Site visits must be approved in advance by the Director of Purchasing and Contracting at the University of Utah Hospital and Clinics and U of U Health Hospital & Clinics Administration.

- E. **Disclosure.** To assure compliance with this policy, U of U Health Hospital & Clinics departments and offices are required to disclose to the U of U Health Hospital & Clinics Executive over the buying department or organization all donations, gifts, gratuities, and other support offered by vendors.

## V. VENDOR POLICY

### A. **VENDOR APPOINTMENTS AND IDENTIFICATION**

1. **Appointments.** All vendors are required to have an appointment with a U of U Health Hospital & Clinics contact. "Cold Calling" is prohibited. Pharmacy and Materials Management may verify vendor appointments. Vendors without an appointment will be turned away or may be given the opportunity to call and make an appointment. U of U Health Hospital & Clinics staff are asked to report vendors who make sales calls to their areas without an appointment or vendor pass.
  - a. **Surgical and Procedural areas.** The requirements of Section V (A)(1) extend to all areas of U of U Health Hospital & Clinics including surgical and procedural areas. Therefore, vendors must have an appointment or invitation by a designated surgeon, proceduralist, or U of U Health Hospital & Clinics representative to enter the operating room area. Vendors must sign in at the operating room front desks or procedural check in area and identify the surgeon or proceduralist with whom they have an appointment. Vendors demonstrating the use of new products must coordinate with the individual site managers. Vendors cannot attend cases or enter operating rooms or procedural areas where they are not involved or granted prior permission to do so.

Vendors cannot engage with surgeons or proceduralists in hallways, scrub sinks, etc. unless invited. Meetings with surgeons or proceduralists should occur by making an appointment at their offices. Vendors must comply with the University of Utah Hospital and Clinics policies regarding patient confidentiality without exception (see Section V (F)).

2. **Identification.** All vendors must check in at the Vendor Check-in windows/desks or other designated locations to obtain a Vendor Badge (previously issued U of U Health Hospital & Clinics permanent vendor badges will no longer be valid as a form of identification). All vendors are required to display their Company ID Badge, in addition to the U of U Health Hospital & Clinics Vendor Badge, while visiting or performing services at U of U Health Hospital & Clinics.

All vendors will be required to be registered with U of U Health Hospital & Clinics vendor credentialing service IntelliCentrics (formerly Reptrax) prior to check-in and receiving a badge. Vendors must arrive in business dress with all appropriate identification that clearly identifies them as a vendor. Vendors needing to be dressed in “scrubs” (e.g., when working in the operating room) must wear all appropriate ID badges and change into their business clothes before leaving the OR, or related area.

## B. **VENDOR ORIENTATION**

Vendors will receive safety training as part of U of U Health Hospital & Clinics vendor credentialing process via the IntelliCentrics program.

## C. **VENDOR PARKING**

Vendors are required to purchase a Vendor (V) permit to park on campus. Those with a V permit may

- Park in lot 45, 4<sup>th</sup> level, in any undesignated stall.
- Access the valet if prior approval is received from the Director of Supply Chain (or their designee). Those with V permits approved to valet will be contacted by the Valet Supervisor for further instructions on usage.
- Park in the Patient/Visitor terrace during the following hours: Monday – Friday, 6 pm to 7am, weekends and holidays.

V permits may be purchased by contacting Commuter Services, 1901 E South Campus Drive RM 101 at <https://commuterservices.utah.edu/> or (801) 581-6415.

Those who choose not to purchase a V permit may park in the South Terrace pay lot, the Huntsman Cancer Institute pay lot or any parking meter not designated as a red loading zone meter.

Please see the attached map designating all locations outlined.

As a courtesy to our patients, vendors visiting the U of U Health Hospital & Clinics Community Clinics are asked to park vehicles in spots furthest from buildings to allow our patients easier access to their appointments.

#### **D. PURCHASE ORDER**

Vendors may NOT provide supplies or services in response to any written, verbal, electronic or FAX order, unless an official Purchase Order has first been assigned by Purchasing. U of U Health Hospital & Clinics reserves the right to refuse payment for invoices against non-existent or invalid POs.

Agreement on pricing of all medical/surgical supplies and related equipment brought into U of U Health Hospital & Clinics must be established between U of U Health Hospital & Clinics, Supply Chain Leadership and the vendor prior to the issuance of any Purchase Orders. Value Analysis or Purchasing must review and approve any price increases before U of U Health Hospital & Clinics will be liable for the difference between the previously approved price and the proposed higher price. Acknowledgement language does not remove the obligation for the vendor to obtain prior approval for price increases.

#### **E. INTRODUCTION OF NEW PRODUCTS & EQUIPMENT**

Medical/Surgical Supplies that are new to U of U Health Hospital & Clinics must be provided in proper quantity and for a period of time that allows U of U Health Hospital & Clinics to determine the clinical benefit of such products at no cost for the items while on evaluation. Upon completion of the clinical evaluation, if the clinician wishes to purchase the product for use, it must first be submitted for review to the Departmental Value Analysis Team where decisions will be made in consultation with U of U Health Hospital & Clinics Medical staff based on cost and clinical benefits. All products brought in for trial must have FDA approval and follow FDA indications for use. Sealant products must go through the P&T process.

Items will only be purchased and paid for once they are approved by the respective team. If a vendor cannot provide product for a free trial, the product cannot be used until the Departmental Value Analysis Team approves. Failure to follow these steps will result in non-payment of the product. Instructions for submitting product requests can be found at <http://healthcare.utah.edu/supplychain/>.

The introduction of medications must be reviewed by the Pharmacy and Therapeutics Committee. More details are available in the <https://pharmacyservices.utah.edu/medical-service-reps>

#### **F. PATIENT CONFIDENTIALITY RESTRICTION**

All vendors are required to read and sign a Confidentiality (HIPAA) Agreement as part of the vendor credentialing process.

Under most circumstances, vendors are prohibited from entering patient care areas within U of U Health Hospital & Clinics. Vendors may enter patient care areas only when their presence is required for set up, training, or similar activities associated with new products and equipment purchased by U of U Health Hospital & Clinics and when escorted by a U of U Health Hospital & Clinics representative.

Under most circumstances, a third party (e.g. a company) who will access, use, or disclose protected health information (PHI) or who will have indirect exposure to PHI (either physically or electronically) must have a Business Associate Agreement in place prior to such activities, unless there is an applicable exception under HIPAA. Indirect exposure can come in the form of physical transportation of PHI, transportation of PHI across a network, or the ability to access PHI even if it is not expressly part of the service being provided (i.e., custodial services, IT resource maintenance, etc). Please contact the

Information Privacy Office at 801-587-9241 for further information regarding Business Associate Agreements.

#### **G. PROMOTIONAL MATERIALS**

Vendors are not permitted to distribute, post, or leave any printed or handwritten materials, advertisements, signs, or other such promotional materials anywhere on U of U Health Hospital & Clinics premises. Moreover, unsolicited educational, promotional, or informational materials may not be given or emailed to physicians or staff unless explicitly requested. All promotional materials may only be given to the manager or director or his/her designee for dissemination to U of U Health Hospital & Clinics staff.

#### **H. PATIENT EDUCATIONAL MATERIALS**

Vendors are strictly prohibited from providing educational materials of any kind directly to patients or their families or leaving these materials in areas accessible to patients. Educational materials must be given to a department manager or director or his/her designee for review. The University may, at its sole discretion, distribute educational materials that are useful to our patients.

#### **I. COMPARATIVE PRICING INFORMATION**

Vendors shall not provide comparative pricing information in their literature or at their discussions with U of U Health Hospital & Clinics employees. Since vendors can only assume a competitor's pricing, this information can be very misleading. U of U Health Hospital & Clinics employees will utilize the Supply Chain Department as a resource for pricing and analysis.

#### **J. PRODUCT RESPONSIBILITY**

1. Vendors are responsible to communicate and/or participate with the Purchasing Department in the following:
  - a. Product recalls
  - b. Product changes and price changes
  - c. Back order or shortage problems
  - d. Safety or potential hazardous problems
  - e. FDA status changes
  - f. Management of consignment inventories located at U of U Health Hospital & Clinics

#### **K. SAMPLES**

1. U of U Health Hospital & Clinics does not allow prescription drug samples within the organization, unless clinics have an approved protocol for samples or distribution of drug samples is approved through the Pharmacy & Therapeutics Committee. Before providing drug samples to U of U Health Hospital & Clinics employees, vendors must check with service directors to ensure compliance with approved protocols. Pharmacy drug sample policy can be found at <https://pulse.utah.edu/policies/Lists/Policies/DispForm.aspx?ID=1535>

2. All new samples for medical surgical supplies must be reviewed by the appropriate Value Analysis Committee, Bio-Med where applicable, and U of U Health Hospital & Clinics Epidemiology prior to patient use at U of U Health Hospital & Clinics. New technology and equipment with an estimated annual volume in excess of \$20,000 require review and authorization of the Technology Assessment Committee. Directors, managers, and physicians within a service line will coordinate with the Supply Chain Department to assure that all samples from vendors receive proper review and approval.

#### L. PROFESSIONALISM

1. Vendors are expected to behave professionally in their speech, interaction, and other communications with all U of U Health Hospital & Clinics employees and staff at all times. Unprofessional conduct will not be tolerated and may result in immediate temporary or permanent suspension of the vendor representative and/or the vendor.

#### M. NONCOMPLIANCE

1. U of U Health Hospital & Clinics staff shall report noncompliance with this policy to their manager and to the Purchasing Office or Pharmacy (for pharmaceutical company representatives, or vendors representing products reviewed by the Pharmacy and Therapeutics Committee).
2. In addition to this policy, the Department of Pharmacy has specific vendor guidelines, including information regarding noncompliance, which can be found at [http://pharmacyservices.utah.edu/medical-service-reps/?utm\\_source=vanity](http://pharmacyservices.utah.edu/medical-service-reps/?utm_source=vanity)
3. The Supply Chain Department will take action when violations of this policy are reported. Corrective action associated with noncompliance with this policy will initially be levied against the **vendor representative**. The vendor may continue to conduct business with a different representative. Where noncompliance persists, action will be levied against the vendor. Actions taken when a vendor representative does not comply with this policy can include any of the following actions.

**1<sup>st</sup> Infraction:** Vendor representative will be notified of the offense by way of a comment in IntelliCentrics and/or personal communication.

**2<sup>nd</sup> Infraction:** Vendor representative and his/her immediate supervisor will be notified. A 30-day suspension of the vendor representative from U of U Health Hospital & Clinics will take effect immediately, and the IntelliCentrics score will be demoted by 10 points.

**3<sup>rd</sup> Infraction:** Vendor representative's access to U of U Health Hospital & Clinics will be permanently revoked.

**Immediate Suspension:** U of U Health Hospital & Clinics reserves the right to immediately suspend (temporarily or permanently depending on the degree of offense) the vendor representative from its premises as a result of egregious behavior that threatens the safety or well-being of our patients or staff.

4. U of U Health Hospital & Clinics employee noncompliance with this policy will be handled through the employee discipline process.

**INFORMATION and ASSISTANCE**

Supply Chain Main Office 587-6711

Material Services 581-2013

Pharmacy Dept. Drug Information Service 581-2073

Purchasing Department 587-6711

U of U Health Hospital & Clinics Information 581-2121